

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TEXAS EASTERN TRANSMISSION,	:	
LP,	:	
	:	
Plaintiff	:	CIVIL ACTION - EQUITY
	:	
v.	:	No. 02-CV-4956
	:	
THOMAS W. FLECK and	:	(Judge Padova)
CATHY ANN FLECK,	:	
	:	
Defendants	:	

**CONSENT DECREE**

AND NOW, this 12<sup>th</sup> day of August, 2002, the parties and counsel having appeared before the Court for a preliminary injunction hearing, and having reached agreement on a consent decree before testimony was taken, the Court hereby enters the following Consent Decree. IT IS HEREBY ORDERED that:

1. Upon twenty-four (24) hours' advance notice to defendants and their counsel, Texas Eastern shall stake out the temporary workspace desired for its construction activities, using mesh safety fence and yellow tape to delineate its boundaries.

2. Upon twenty-four (24) hours' advance notice to defendants and their counsel, Texas Eastern shall remove trees within the delineated temporary workspace, with all trees to be

cut flush to the ground surface, and install construction matting per the field recommendations of defendants' arborist.

3. Immediately upon completion of the steps set forth in paragraphs 1 and 2 above, Texas Eastern shall have access to the temporary workspace on defendants' property for its construction activities, including boring under West Rock Road.

4. Within ten (10) days of the date of this order, Texas Eastern shall post an injunction bond in the amount of \$20,000, which bond shall be kept in force through and including November 1, 2003.

5. At no time shall Texas Eastern cut or damage any trees outside the delineated temporary workspace on defendants' property.

6. Texas Eastern hereby withdraws any claim it may have for past interference with or delay of its construction activities on the part of defendants.

7. Promptly upon completion of Texas Eastern's construction activities on defendants' property, Texas Eastern's counsel shall notify defendants' counsel that all construction activities have been completed.

8. Within thirty (30) days from the date of such notice from Texas Eastern's counsel, defendants shall present to Texas

Eastern their claim for all damages arising from Texas Eastern's construction activities on defendants' property.

9. A hearing is hereby scheduled for December 10, 2002, at 11:00 a.m. to resolve said claim for damages if the parties have not previously reached an agreement. If an agreement is reached prior to the hearing, the Court shall be promptly notified.

BY THE COURT:

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John R. Padova

J.